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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/782,807

02/23/2004

Scott R. Johnson

008608-028

5459

21839

7590

12/02/2004

BURNS DOANE SWECKER & MATHIS L L P
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EXAMINER

NGUYEN, ANTHONY H

ART UNIT

PAPER NUMBER

2854

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/782,807

Applicant(s)

JOHNSON ET AL.

Examiner

Anthony H Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-24 is/are rejected.
- 7) ☒ Claim(s) 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/23/04.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

Claim Objections

Claims 1-14 are objected to because there is no proper antecedent basis for "the first form roller" (claim 1, line 8). Additionally, the word "ans" (claim 9, line 2) should obviously be --and--. Correction is required.

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1- 9 and 11- 24 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Garner et al. (US 5,562,031) in view of Eltner et al. (US 6,546,869).

With respect to claims 1 and 15, Garner et al. teaches a printing press having a plate cylinder 13 which is rotated by a press drive or motor 61 (Garner et al, Fig.6), a roller 17a for applying ink to the plate cylinder, a controller 65 for controlling the motor 6, a speed sensor 63 for sensing the speed of the plate cylinder as shown in Figs.1, 3 and 5 of Garner et al. Garner et al. does not teach the variable speed servo motor separate from the press drive and coupled to the form roller. Eltner et al. teaches the variable speed servo motor or drive 43 coupled to the form roller 23 for regulating the speed between the form roller and the printing form cylinder 8 (Eltner et al., Fig.2 and the third paragraph). In view of the teaching of Eltner et al., it would have been obvious to one of ordinary skill in the art to modify the printing press of Garner et al. by providing the variable speed servo motor or drive as taught by Eltner et al. for ensuring optimal

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print quality. With respect to claims 6,7, 16 and 17, the use of the belt drive, a toothed belt drive, a chain drive, telescoping shaft drive or a gear drive for driving the ink applying roller with a motor is well known in the art. With respect to claims 9 and 20-22, the selection of a desired relative surface speed between the form roller and the plate cylinder would be obvious through routine experimentation in order to get best possible print quality. With respect to claims 19 and 24, Garner et al. and Eltner et al. render obvious the broad steps as recited in the claims.

Allowable Subject Matter

As presently advised it appears that claim 10 avoid the prior art but are objected to as depending from the rejected claim. These claims if properly rewritten in independent form and would be allowable.

Conclusion

The patents to Pfizenmaier, Volz, and Schultz et al. are cited to show other structures and methods having obvious similarities to the claimed structure and method.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Nguyen whose telephone number is (571) 272-2169. The examiner can normally be reached daily from 9 AM to 5PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld, can be reached on (571) 272-2168. The fax phone number for this Group is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

A handwritten signature in black ink, appearing to read "Anthony Nguyen". The signature is written in a cursive, flowing style.

Anthony Nguyen

11/24/04

Patent Examiner

Technology Center 2800